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June 30, 2016

Judge Frederic Block
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Ramesh Sarva, et al. v. Comerica Bank*; Case No. 1:15-CV-00219 FB RER

Dear Judge Block:

Pending before this Court are Comerica Bank's letters, dated February 29, 2016 (Doc. No. 44) and May 25, 2016 (Doc. No. 53), regarding its proposed motion to dismiss under F.R.C.P. 12(b)(7) for failure to join a required party under Rule 19. In connection with its proposed motion, Comerica requests that the Court take judicial notice of the attached Order, dated June 16, 2016, issued by the Honorable Josephine L. Staton in *NICHOLAS L. SAAKVITNE, in his capacity as Court-Appointed Plan Administrator v. RAMESH SARVA et al.*, (C.D. Cal), Case No. 8:16-cv-00207.

Respectfully submitted,

BUCHALTER NEMER
A Professional Corporation

By /s/ Peter H. Bales
Peter H. Bales

cc: Jason Robert Harrington and Bernard Ouziel, counsel for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 16-207-JLS (JPRx)

Date: June 16, 2016

Title: Nicholas L. Saakvitne v. Ramesh Sarva et al.

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER VACATING HEARING ON AND
DEFERRING CONSIDERATION OF DEFENDANT’S MOTION
TO DISMISS OR TRANSFER VENUE (Doc. 15)**

Before the Court is Defendant Ramesh Sarva’s motion to dismiss or, in the alternative, transfer venue. (Mot., Doc. 15.) Plaintiff Nicholas Saakvitne opposes the Motion. (Opp., Doc. 21.) After reviewing the parties’ briefing, the Court concludes that the issues raised in this Motion are currently pending before The Honorable Frederic Block in a case (the “New York Action”) closely related to this one. (*See Sarva et al. v. Comerica Bank*, No. 15-219-FB-RER, Docs. 51-53.) To avoid duplicative or inconsistent rulings, the Court defers consideration of this Motion until after Judge Block renders his decision. Accordingly, the Court VACATES the hearing on this Motion scheduled for June 17, 2016 at 2:30 p.m. Saakvitne is ORDERED to notify the Court in writing of any relevant decision in the New York Action within five court days of its issuance. If no ruling is issued in the New York Action within 60 days, either party in this case may request that the motion be placed back on this Court’s calendar.

Initials of Preparer: tg